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January 9, 2007

Mr. George Howarth  
United States District Court  
District of Massachusetts  
1 Court House Way  
Boston, MA 02210  
Attn: The Court Clerk

Re: **Dimon v. Latti et. al.**  
**U.S.D.C. – Mass. C. A No: 05 11073 MEL**

FILED  
CLERKS OFFICE  
2007 JAN 11 A 8:02  
U.S. DISTRICT COURT  
DISTRICT OF MASS

Dear Mr. Howarth:

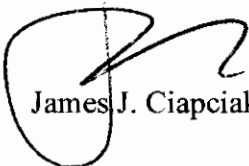
We represent Metropolitan Life Insurance Company ("MetLife") in the above captioned action.

On January 3, 2007, MetLife timely filed an Opposition to Dennis Dimon's and Morgan Stanley DW, Inc.'s Joint Motion for Entry of Order of Dismissal with Prejudice as to Defendant Morgan Stanley DW, Inc. ("Morgan Stanley") and a Cross-Motion to Amend MetLife's Answer to add counterclaims against Morgan Stanley. This pleading was designated "63" on the Electronic Docket.

On January 5, 2007, we received an Order, dated January 3, 2007, granting the Joint Motion to Dismiss and dismissing Morgan Stanley from the case. The Order was designated "64" on the Electronic Docket. The January 3, 2007 Order does not reference either the Opposition or the Cross-Motion. More troubling, the Order states "the parties hereto having jointly moved ..." when only two of the several parties, Mr. Dimon and Morgan Stanley, were the only two parties to join in the Motion.

Please advise if MetLife's Opposition was considered by the Court prior to its Order and whether MetLife's Cross-Motion was ruled upon or whether we need to move to Reconsider the Order on dismissing Morgan Stanley.

Very truly yours,

  
James J. Ciapciak

cc: All Counsel of Record